

Order

Michigan Supreme Court
Lansing, Michigan

December 15, 2005

Clifford W. Taylor,
Chief Justice

129138

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129138
COA: 262027
Bay CC: 03-010212-FH

JOSE DALE BRAXTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 5, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, J., would remand this case for a hearing pursuant to *People v Ginther*, 390 Mich 436 (1973).



s1208

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 15, 2005

Corbin R. Davis

Clerk